

HONOLULU LIQUOR COMMISSION

QUARTERLY NEWSLETTER



ALCOHOL AWARENESS MONTH

April is Alcohol Awareness Month. Throughout the month, the Honolulu Liquor Commission will be involved in a number of activities aimed at curbing underage drinking. On April 23, representatives from the HLC will participate in a panel discussion at the "Reducing Underage Drinking Conference" sponsored by the Alcohol & Drug Abuse Division at the Prince Kuhio Hotel. In addition, the HLC will host an open forum at the University of Hawaii at Manoa dormitories to discuss the penalties and fines students face if they are caught in situations involving underage drinking.

You too can help end underage drinking - remember to check I.D.s to ensure that customers buying alcohol are at least 21 and make sure shoulder taps (where minors ask legal-aged customers to purchase alcohol for them) are not happening on or near your premises.

HLC LIQUOR RULES AMENDMENTS COMING SOON

Beginning in May, the HLC will undertake a comprehensive revision of its Rules. Since the last Rules revision in 1998, state lawmakers have made many changes to Chapter 281 of the Hawaii Revised Statutes, which require corresponding changes to existing Rules, and the creation of new Rules.

All proposed Rules additions, deletions and/or modifications will be subject to the public hearing process prior to submission to the Mayor and City Council for final approval and implementation. At the public hearing, any interested party will have the opportunity to comment on the proposed revisions, either by oral or written testimony. The Commission hopes to complete the public hearing process by late July.

In the interim, licensees and all interested parties are encouraged to submit suggestions for proposed Rules revisions to the Commission. To assist us with keeping track of your suggestions, please do so in writing by mail or hand-delivery, care of the Administrator to 711 Kapiolani Blvd., Suite

600, Honolulu, HI 96813, or by email at liquor@co.honolulu.hi.us. We welcome and appreciate input from our licensees, and thank you in advance for your help with this important project.

UNDERSTANDING THE ADJUDICATION PROCESS

Licensees who violate liquor laws will face adjudication. The following is a brief rundown of what a licensee can expect regarding the adjudication process.

The process begins when a licensee receives a Notice of Violation (NOV or "white tag"). This NOV, along with the investigator's written report, is processed to the Deputy Corporation Counsel/Prosecutor. If the Deputy Corporation Counsel determines a violation has occurred, a Notice of Hearing is issued to the cited licensee indicating the date and time the alleged violation will be heard before the Commission. Once a Notice of Hearing is received, the licensee may request, in writing, full disclosure of the City's evidence to be introduced at the hearing. If the licensee wants to dispute the violation, he/she must appear at the adjudication hearing to present any reasons why a penalty should not be assessed and/or collected for the alleged violation.

If the licensee does not want to contest the alleged violation and wishes to resolve the adjudication without appearing before the Commission on the hearing date, a written No Contest Plea letter must be sent to the Deputy Corporation Counsel prior to the hearing. Arrangements to obtain a No Contest Plea letter/form or other inquiries regarding a pending adjudication may be directed to the Deputy Corporation Counsel at the Liquor Commission at 527-6281.

A licensee that faces adjudication may attend the hearing with legal representation or on his/her own behalf. The licensee will be asked to enter a plea of not guilty, no contest or guilty to the alleged violation charged in the Notice of Hearing.

- Not Guilty means the licensee denies every element of the alleged violation charged and

SECOND QUARTER 2002



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obliges the City to prove the licensee's guilt

- No Contest (with or without explanation) means the licensee does not contest the alleged violation charged by the City and allows the Commission to impose a penalty
- Guilty means the licensee admits to committing the violation alleged by the City and allows the Commission to impose a penalty

If a licensee pleads not guilty, the City will present its case first by calling witnesses and presenting documents or other evidence which prove the alleged violation occurred. Testimony at the hearings is under oath and recorded. The licensee is allowed to cross-examine the City's witnesses and evidence. Once the City rests its case, the licensee may call its own witnesses and present any facts and evidence to refute the alleged violation. After both parties have rested, the Commission will enter its decision.

If the Commission finds the licensee guilty of the violation charged, it may then impose one of the following penalties: a letter of reprimand; a fine not to exceed \$2,000 for any particular offense; license suspension (with or without conditions); or a license revocation.

After the adjudication hearing, the Commission will issue a written Decision and Order, which the licensee will receive approximately three weeks following the hearing. If a fine is imposed, the licensee must submit the full fine amount within 15 days from receipt of the written Decision and Order. All imposed fines must be paid

via cash, credit card, check or cashier's check.

LICENSE RENEWAL REMINDER

License renewal application packets will be mailed to you in the third week of April. All liquor licenses must be renewed on or before July 1, 2002. If your new license is not displayed on your premises when your current license expires on June 30th, you must stop selling alcohol at midnight on June 30th. Liquor Commission investigators will be given a list of establishments that have not renewed their licenses as of June 30th and will be making spot checks to make sure no alcohol is being sold.

You can either pick up your licenses beginning June 12 at the HLC offices at 711 Kapiolani Blvd, Suite 600 between 7:45 a.m. and 4:15 p.m., Monday through Friday, or join HLC's new license renewal by mail program. To receive your license by mail, you must submit a "Request License by Mail" form and turn in your completed renewal application by May 31 along with a check for the license fee and a completed tax clearance form. Licenses should be received in the mail by June 15, 2002.

GROSS SALES REPORT DUE JULY 31

All licensees are required to complete and file a Declaration of Gross Liquor Sales report and make full payment no later than July 31, 2002 (either filed with the HLC or postmarked with the U.S. Postal

Service). You'll find the report form attached to your new license. Please contact the audit section at 527-6852 should you have any questions.

SERVER-TRAINING CLASS BACK TO TWICE A WEEK

Liquor server training classes are back to a schedule of twice a week. The classes, held Monday and Wednesday of each week, are conducted from 11:30 a.m. to 2:30 p.m. at the HLC office.

PERSONNEL NEWS

Tom Mendonca retired March 2002 after more than 25 years of service with the HLC. Mendonca held the position of Licensing Supervisor prior to his retirement. In this capacity, he supervised the liquor-licensing program and conducted investigations of applications for liquor licenses.

George Pacheco, who recently retired from the HLC after 20 years of service, passed away in March 2002. For the past 10 years, Pacheco had worked as a licensing investigator. He will be missed.

EMAIL IS HERE!

Future Honolulu Liquor Commission Newsletters will be available by email. To subscribe, please send an email to: liquor@co.honolulu.hi.us. You can also view and print out this newsletter on the World Wide Web at: www.co.honolulu.hi.us/liq/.

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For more information, contact the Honolulu Liquor Commission at (808) 523-4458, fax: (808) 591-2700, visit our website at www.co.honolulu.hi.us/liq/, E-mail: liquor@co.honolulu.hi.us, or stop by our offices at 711 Kapiolani Blvd., Suite 600, Honolulu, Hawaii 96813-5249. Hours of operation are from 7:45 a.m. to 4:30 p.m., Monday through Friday (registration and cashier closes at 4:15 p.m.)